

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – I&CAD Department – Allegations of certain irregularities in excavation of power blocks of Jurala Project against Sri M.A.Rab, Asst.Engineer and others – Sri M.A.Rab, Assistant Engineer (Retd) – Dismissal and suspension period treated as “ not duty “– O.A.No.11404/2009 filed in the APAT - Treating the suspension/dismissal period as on duty – Revised orders – Issued.

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IRRIGATION & CAD (SER.VI.2) DEPARTMENT

G.O.Rt.No. 1102

Dated:16 -9-2010

Read the following:-

1. G.O.Ms.No.543, I&CAD (Ser.VI.2) Department, Dt.27-12-1997
2. From the APAT ,Hyderabad orders, dt.22-9-2003 in Rev. M.A.No. 3161/2003 in O.A.No.116/1998 filed by Sri M.A.Rab, Assistant Engineer (dismissed).
3. G.O.Rt.No.402, I&CAD (Ser.VI.2) Deptt., Dated: 23-4-2004.
4. Govt.Memo.No.E.15846/Ser.VI.2/2003-1,Dt.23-4-2004.
5. G.O.Rt.No.151, I&CAD (Ser.VI.2)Department,Dated:24-1-2005.
6. G.O.Rt.No.1121,I&CAD(Ser.VI.2) Department, dated: 8-8-2006.
7. From the Hon;ble APAT orders,dt.10-12-2008 in O.A.No.2140/2006 filed by Sri M.A.Rab ,AE(Retd.)
8. From the Tribunal for disciplinary proceedings, Hyderabad Lr.Dis No.127,dt.17-2-2009.
9. G.O.Rt.No.536, I&CAD(Ser.VI.2) Deptt., Dated: 2-5-2009
10. Representation submitted by SriM.A.Rab, Asst.Engineer (Retd) dt.10-7-2009.
11. From the ENC(AW),Hyderabad, Lr.No.RC/ENC/S.II(2)/39844/88, Dt.1-6-2009.
12. G.O.Rt.No.1502, I&CAD(Ser.VI.2) Deptt., Dated: 10-9-2009.
13. From the Hon'ble Tribunal Orders dated: 18-11-2009.in O.A.No. 11404/2009 filed by Sri M.A. Rab Asst.Engineer (Retd.)
- 14.From the Hon"ble APAT orders dated: 29-6-2010 in C.A.No.635/2010 in O.A.No.11404/2009 filed by Sri M.A.Rab, Assistant Engineer (Retd).

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ORDER:

In the reference 1st read above, Sri M.A.Rab, Assistant Engineer, Priyadarsini Jurala Project, Gadwal, Mahabubnagar District was dismissed from service after conducting enquiry into the charges framed against him when he was working in Priyadarshini Jurala Project Dam at Gadwal, Mahabubnagar District consequent on the above dismissal orders he was relieved from service 8-1-1998. A.N.

2. In the reference 3rd read above, Government have placed Sri M.A.Rab, Assistant Engineer, Priyadarsini Jurala Project ,Gadwal, Mahabubnagar District (dismissed) under deemed suspension from the date of Original order of dismissal under sub –rule (4) of Rule 8 of Andhra Pradesh Civil Services (CC&A) Rules,1991 and to continue him under suspension until the disciplinary proceedings are concluded and final orders issued in pursuance of the directions of the Andhra Pradesh Administrative Tribunal vide reference 2nd read above.

3. In the reference 4th read above, Government have placed Sri M.A.Rab, Assistant Engineer ,Priyadarsini Jurala Project, Gadwal Mahabubnagar District (under deemed suspension) on his defense before the Tribunal for Disciplinary proceedings for enquiry into the allegations framed against him.

4. In the reference 5th read above, orders were issued for sanction of subsistence allowance to Sri M.A.Rab, Assistant Engineer, Priyadarsini Jurala Project , Gadwal, Mahabubnagar District (under deemed suspension) @ 50% w.e.f. 27-12-1997 (i.e. date of dismissal from service) of his pay last drawn under F.R.53, until further orders. In the reference 6th read above orders were issued releasing 75% of Provisional pension to Sri M.A.Rab Assistant Engineer (Retd.)

(P.T.O.)

5. In the reference 7th read above, the Hon'ble APAT has passed orders in O.A.No.2140/2006 filed by Sri M.A.Rab, Assistant Engineer (Retd) and directed to release pension and all the pensionary benefits to the applicant.

6. In the reference 8th read above, the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad has informed that as per order dt. 10-2-2008 in O.A.No.2140/2006 on the file of the APAT, Hyderabad, the enquiry initiated by the Tribunal for Disciplinary proceedings, Hyderabad vide T.E.C.No.21/2006 is liable to be quashed and O.A. is accordingly allowed and the enquiry initiated by the tribunal in T.E.C.No.21/2006 on the file of II Member, Tribunal for Disciplinary Proceedings, Hyderabad stands quashed.

7. In the reference 9th read above, orders were issued to implement of the orders dt.20-12-2008 of the Hon'ble APAT in O.A.No.2140/2006 with VMA No.1449/2006 and in O.A.No.7919/2008 and O.A.No.2553/2007 and to release all the pensionary benefits to Sri M.A.Rab, Assistant Engineer (Retd) . In the reference 10th read above , Sri M.A.Rab, Assistant Engineer (Retd.), has requested to treat his suspension period as on duty.

8. In the reference 11th read above, the Engineer-in-Chief (AW), Hyderabad has forwarded the representation of Sri M.A. Rab, Asst.Engineer (Retd) and requested to issue specific orders regarding the regularization of suspension period in respect of Sri M.A.Rab, Assistant Engineer(Retd) for the period from 8-1-1998 to 31-3-2006.

9. In the reference 12th read above, orders were issued to treat the suspension/ dismissal period of Sri M.A.Rab, Asst.Engineer (Retd) from 8-1-1998 to 31-3-2006 as " not duty" under F.R. 54-B.

10. In the reference 13th read above, the Hon'ble APAT in its orders in O.A.No.11404/2009 filed by Sri M.A.Rab, Assistant Engineer (Retd), has directed the Government to treat the period from 8-1-1998 to 31-3-2006 as " on duty" and pay all the benefits to the applicant within a period of 4 weeks from the date of receipt of this order. An appeal has been filed before the Hon'ble High Court in W.P.No.14160/2010 against the orders of Hon'ble APAT., Hyderabad.

11. Government have examined the entire matter and it has been decided to implement the orders of Hon'ble A.P.A.T., subject to the outcome of the litigation pending before the Hon'ble High Court. Accordingly, Government hereby order to treat the suspension/dismissal period from 8-1-1998 to 31-3-2006 of Sri M.A.Rab, Assistant Engineer (Retd) as on duty in supercession of the order issued in the reference 12th read above, subject to the outcome of the litigation pending before the Hon'ble High Court.

12. The Engineer-in-Chief (AW),I&CAD Department, Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCEPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief (AW),I&CAD Deptt., Errumanzil,Hyderabad
Sri M.A.Rab, Assistant Engineer (Retd), through Engineer-in-Chief (AW),Hyderabad.

Copy to:

The Govt. Pleader for I & CAD, APAT., Hyderabad. (w.es.) (3 copies).

The Learned Addl.Advocate General, Govt. of A.P.,
High Court Buildings, Hyderabad.

The Secretary to Vigilance Commissioner,
A.P.Vigilance Commission, Hyderabad.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER